

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF A POSSIBLE)	
VACANCY ON THE BOARD OF)	CASE NO.
COMMISSIONERS OF SANDY HOOK WATER)	2019-00186
DISTRICT)	

ORDER

This proceeding was initiated to determine whether a vacancy exists on the Board of Commissioners (Board) of Sandy Hook Water District (Sandy Hook District). Based upon the evidence in the record, the Commission, by Order entered February 25, 2020, determined that one vacancy does exist. Pursuant to KRS 74.020(4), the Commission, by this Order, appoints William Delong to fill the vacant seat.

Sandy Hook District, a water district organized in 1957 pursuant to KRS Chapter 74, owns and operates facilities that distribute water for compensation to approximately 1,210 customers in Elliott and Morgan counties in Kentucky.¹ As of December 31, 2018, Sandy Hook District had a net utility plant of \$6,655,852.² For the calendar year ended December 31, 2018, it had total operating revenues of \$796,533.³

¹ *Annual Report of Sandy Hook Water District to the Public Service Commission of Kentucky for the Year Ended December 31, 2018* at 9 and 49.

² *Id.* at 16.

³ *Id.* at 20 and 49.

A five-member Board administers Sandy Hook District and has the statutory responsibility to “control and manage” the water district’s affairs.⁴

By Order entered June 7, 2019, the Commission established this case to determine whether a vacancy exists on the Board. The evidence of record shows that one vacancy exists. On September 6, 2018, the Commission received a facsimile copy of the minutes of the July 17, 2018 meeting of the Elliott County Fiscal Court. The minutes had no cover letter and were placed in the non-case related correspondence file for Sandy Hook District. The minutes stated that a motion was made to “separate and then vote to reappoint Estill Howard and Darren Fannin to Sandy Hook Water Board” The minutes indicated that the motion carried. The minutes also indicated in a separate item that “[a] motion was made not to reappoint Darren Fannin to Sandy Hook Water Board” The minutes indicate that this motion also carried.⁵

In May 2019, the Commission received a phone call from the Elliott County Judge/Executive inquiring about any action taken regarding the vacancy on Sandy Hook District’s Board. Further discussion revealed that the original purpose of providing the Commission with the July 17, 2018 minutes was to inform the Commission of a potential vacancy on the Board, due to expiration of a commissioner’s term, and that the vacancy was not filled within 90 days. According to the responses to the Commission’s June 7, 2019 Order, filed on June 17, 2019, the terms of the vacant commissioner position, previously occupied by Darren Fannin, ended on June 1, 2018. When the vacancy was

⁴ KRS 74.020(1).

⁵ See Commission’s June 7, 2019 Order.

not filled within 90 days, the exclusive authority to fill the vacancies shifted from the Elliott County Judge/Executive and Elliott County Fiscal Court to the Commission.

The February 25, 2020 Order concluded that one vacancy exists and established a procedure to fill the vacancies. Having received nominations of two candidates to fill the vacant seat, the Commission conducted interviews with the candidates and, after a thorough review, concludes that William Delong should be appointed to fill the vacant seat on Sandy Hook District's Board.

In making our selection, the Commission must consider the totality of the circumstances that includes the education, business and management experience, and personal history of the proposed candidates, and the existing financial and operating condition of the water district.⁶ Based upon our review of the evidence of record and Mr. Delong's experience, we find that Mr. Delong is the best-suited candidate, and that there is no information to suggest that he is unqualified to serve in the designated position. We further find that Mr. Delong resides in Sandy Hook District's territory; is of legal age; possesses adequate education and experience to perform the duties of water district commissioner; and does not have any legal disability that would disqualify them from serving in their respective positions. Accordingly, we find that Mr. Delong should be appointed to fill the existing vacant seat on Sandy Hook District's Board.

IT IS THEREFORE ORDERED that:

1. William Delong is appointed to fill the vacant seat identified in the February 25, 2020 Order. His term shall expire June 1, 2021.

⁶ See, e.g., Case No. 2012-00052, *Request to Fill Vacancies on Western Pulaski County Water District Board of Commissioners* (Ky. PSC Jan. 16, 2013).

2. The Executive Director shall serve a copy of this Order upon the Elliott County Judge/Executive, the members of the Elliott County Fiscal Court, the Elliott County Attorney, and the Board.

3. This proceeding is closed and removed from the Commission's docket.

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By the Commission



ATTEST:

A handwritten signature in blue ink, consisting of stylized initials and a surname, written over a horizontal line.

Executive Director

Case No. 2019-00186

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